

**BEFORE THE
DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
WASHINGTON, D.C.**

In the Matter of:

Petition of Samaritan's Purse

for an exemption from SFAR 77 (14 CFR §
91.1605), pursuant to 14 CFR §11.61 *et seq.*

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) Regulatory Docket FAA-2021-_____
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**Petition for Exemption
(Expedited Treatment Requested)**

Samaritan's Purse ("Samaritan's Purse" or "SP"), an international relief organization based in Boone, North Carolina, hereby requests an exemption from the terms of SFAR 77 (14 CFR § 91.1605) to the extent necessary to permit the operation of the organization's Gulfstream 550 aircraft to operate one flight to Erbil International Airport (ORER), in Northern Iraq, to transport the organization's CEO and Chairman, Franklin Graham, and other SP officials to conduct meetings with senior government officials in Northern Iraq on or about October 20-26, 2021. For the reasons described below, Mr. Graham's travel to the area will require use of the organization's Gulfstream.

Samaritan's Purse has received previous exemptions from SFAR 77 for operations into Erbil. In December 2016 the FAA issued Exemption No. 17176 for operation of SP's DC-8-72CF over a period of six months transporting needed humanitarian supplies. That exemption was amended shortly thereafter (Exemption No. 17176A) to include the organization's Falcon 900EX for purposes of transporting Mr. Graham and SP staff to oversee operations in-country. The exemption was extended twice after that, and was rescinded in June 2019 due to an abrupt deterioration in the security situation in the area. However, in October 2019 the FAA again issued an exemption (No. 18364) to permit a limited resumption of DC-8 cargo operations, and this was amended shortly thereafter (Exemption No. 18364A) to permit the Falcon to operate.

The initial exemptions were necessitated by the urgent need to respond to the enormous humanitarian disaster created by fighting between ISIS and Iraqi government forces in and around Mosul in late 2016, which resulted in hundreds of thousands of persons becoming internally displaced refugees. These persons were housed for many months in refugee camps, and SP, operating in partnership with the United Nations Food Program, provided for essential needs, including medical assistance, for many of these individuals and families. This work was facilitated by the exemptions granted by

the FAA at that time. A further humanitarian crisis arose in 2019 when Turkish forces crossed the border into Syria, driving tens of thousands of Kurds into Northern Iraq. Similar arrangements were necessary to house and feed those persons, again made possible by the FAA's exemption.

SP has had long-standing operations in Northern Iraq, based in Erbil, and that presence continues. Samaritan's Purse has been running a humanitarian mission in Northern Iraq since 2008. Over the years it has operated a trauma field hospital, run food distributions throughout camps of displaced persons, established nutrition centers and distributed survival supplies for families fleeing conflict. SP teams are now rebuilding homes and helping to restore livelihoods for families that are returning after the conflict ended. SP has also established a number of community centers that are operating throughout northern Iraq.

I. SFAR 77 Requirements

(a) Contact Information of Applicant

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(b) Sections Affected

SFAR 77 (14 CFR § 91.1605)

(c) Relief Sought

Petitioner seeks an exemption from the restrictions of SFAR 77 (14 CFR § 1605) to permit the operation of its Gulfstream 550 (Reg. N521GV) for one flight between the United States and Erbil International Airport (ORER), Iraq, as described herein. This will enable the organization to transport Rev. Franklin Graham and other SP officials who are needed to oversee and facilitate the urgent relief work on the ground.

(d) Description of Aircraft

Registration: N521GV
Model: G550
Manufacturer.: Gulfstream Aerospace
Manuf. Serial Number: 5021
Engine Type: Rolls Royce
Call Sign: N521GV
Passengers: 14 max
Cargo: 1200 lbs. max
Radio Equipment: VHF, HF, SATCOM
Avionics Equipment: ADSB, FANS, TCAS
MTOW: 91,000 pounds

Radio Capabilities: The long range navigational equipment installed in the aircraft includes two HF radios, three VHF radios, and a satellite communications system that provides timely data uplink and state of the art phone communications. The aircraft satellite communications capability allows for communication in real time during a flight or on the ground. In addition to the radio and satellite phone options, the aircraft is equipped with Wi-Fi, and each pilot has an international cell phone to communicate or receive threat information during pre-flight preparations and in flight operations. The Gulfstream also has CPDLC and ACARS installed.

The aircraft is equipped with ACAS/TCAS-II.

(e) Proposed Complete Schedule / Route Of Flight / Iraq Entry/Exit Points:

The aircraft will originate at Wilkes County Airport, NC; the likely routing of that flight will be: If conducting a North operation, enter the Bagdad FIR on UM688 at RATVO and exit on UM860 at NINVA. If conducting a South operation, enter and exit the Bagdad FIR on B411 at MURIB. The exact routing will depend on security and weather conditions at the time of the flight.

The purpose of this trip is to review the community projects Samaritan's Purse is conducting and to meet with senior government officials. While the meetings are set to take place during a one-week window of time, we do not anticipate that the Samaritan's Purse officials will be in Erbil for more than two days, necessitating only one overnight stay. This will help to ameliorate any security concerns.

No flight will operate to the United States direct from Iraq. Prior to the aircraft's return to the United States, it will be subject to an intensive security screening and inspection at an intermediate point.

Erbil International Airport is a modern and well-equipped airport, having opened in March 2010. Its 15,748' runway is capable of handling any type of aircraft. It is served by a dozen international airlines, offering up to 20 scheduled flights per day.

(f) Purpose of Flight

As previously noted, the primary purpose of this trip is to meet with senior government officials whose knowledge and cooperation is essential to the organization's humanitarian work in the area, and to review Samaritan's Purse's community projects in the region.

(g) Reasons Why Relief is Necessary

The meetings described above have been scheduled for October 20-26, 2021, and due to schedules of the participants it would be very difficult to postpone the meetings. The meetings are necessary to better understand the needs in the region and how SP can help address them, as well as to determine the need for continued assistance to the Kurdish community.

Unfortunately, commercial transport to Erbil is not a viable option in this instance. Mr. Graham is a very well-known public figure who is also very controversial in some circles. The FAA has certified a Valid Security Concern for Mr. Graham's aircraft under its Block Aircraft Registration Request program. As stated in SP's 2011 application for that designation, a great deal of publicity has been generated by statements Mr. Graham has made on the subject of Islam. Articles published in Arabic have accused him of insulting the Prophet Mohammed, and this has subjected him to verifiable threats of violence. Indeed, SP has received death threats against Mr. Graham and his family. In one instance in 2011, an FBI agent shared information with SP officials that the Bureau had discovered Mr. Graham's name on a "hit list" in the possession of a person returning from Yemen. For this reason, SP's board requires him to use the organization's aircraft for both business and personal flights. (Personal flights are subject to tax as income under IRS rules.) Flying by commercial aircraft into the Middle East would expose Mr. Graham to significant risk of personal harm, and thus the SP board has required him to avoid commercial travel.

(h) Crew Members and Passengers¹

- DAVID SCHMIDT (U.S. Citizen): Pilot-in-Command
- KEVIN RAY TURLEY (U.S. Citizen): Crew

¹ Passport numbers and other information will be provided to FAA staff confidentially upon request.

- EARLIN JEFFREY SANDERS (U.S. Citizen): Crew
- KEVIN ARTHUR FLOOD (U.S. Citizen): Crew
- WILLIAM FRANKLIN GRAHAM III (U.S. Citizen):

(i) Reasons Why Granting Relief is in the Public Interest

Even though the flights in question will not be transporting relief provisions, they flights are necessary to enable Samaritan's Purse to manage its response to a continuing humanitarian crisis. It is beyond debate that this is in the public interest.

In granting Exemption 17176A, the FAA found "that the proposed Dassault Falcon operations are in the public interest, because they will facilitate Samaritan's Purse's relief work in northern Iraq, including oversight of that work and meetings between Samaritan's Purse officials and senior government officials in northern Iraq." The exact same considerations apply in this instance, though with a different aircraft.

(j) Effect on Safety or Security

Samaritan's Purse, as an organization that routinely operates in some of the world's most dangerous places, has invested heavily in the security of its staff. The organization has an extremely sophisticated security operation, overseen by its V.P. for Security and Director of International Security. Its facility in Erbil employs both a Regional Director of Security for the Middle East, who is a former USAF lieutenant colonel, and a full-time Safety & Security Manager, who is a former U.S. Army Ranger. The organization also maintains a Global Security Operations Center (GSOC), staffed 24/7, that constantly monitors the safety and security of its staff in northern Iraq. Its security staff receives ongoing alerts on Iraq from the International NGO Safety Organization (<http://www.ngosafety.org/>), International SOS, Factal, SAIS, and other open source and paid intelligence providers. This information is combined with on-the-ground security information developed through contacts in local military and law enforcement agencies. These security assessments provide the basis for flight planning, and are provided in real time to flight crew and ground personnel. The movements of the Gulfstream on the flight in question will be tracked in real time by the GSOC. SP is prepared to provide more detailed information, on a confidential basis, on its intelligence gathering systems that would provide the best possible security for the proposed operation.

Further, the security situation on the ground around Erbil has remained fairly stable for the past three years and does not present unusual risks, judged by the standards of that region.

In granting Exemptions No.17176 and 18364, with their amendments, the FAA recognized that given the extraordinary security precautions put in place by Samaritan's Purse for its Erbil program, grant of the exemptions would not adversely affect safety. The "Iraq General Operations Manual" that was constructed for the initial exemption in 2016 and subsequently amended has most recently been revised and updated to include the G550, and a copy is being submitted to the FAA for approval. This manual includes details of intelligence gathering and dissemination, cooperation with Iraqi and U.S. government and private sources, briefing of crews, communications with the aircraft in flight, and procedures in the event of threats to security.

The original Iraq GOM was constructed to provide for the DC-8 operation, and subsequently revised to include Falcon operations, and it was on the basis that the Falcon operations would be subject to the same procedures as the DC-8 flights that the FAA amended the original exemption to incorporate the Falcon. The same sort of changes have been made to accommodate the Gulfstream, and the manual now before Flight Standards for review contains all the necessary provisions for operations with that aircraft. We submit that the GOM's procedures will provide the same level of security for the Gulfstream as they have for the DC-8 and Falcon. As the FAA found in the previous exemptions, "granting the proposed exemption would not adversely affect safety of either of the Samaritan's Purse aircraft proposed for use."

Further, SP's G550 operations will comply with all of the conditions laid down in Exemption 18364A pertaining to Falcon operations, although certain limited changes will be needed:

- Conditions 3, 12, 14, 21 and 23 should be amended to include the Gulfstream aircraft;
- Condition 5 should be amended to reflect the current proposed operation;
- Condition 13 should be amended to permit carriage aboard the Gulfstream of SP officials needed for planned meetings in Iraq;

These alterations will not in any way affect the substantive measures designed to ensure the security and safety of SP's personnel and flights.

(I) Exercise of Exemption Outside the United States

Because SFAR 77 specifically relates to operations of U.S. aircraft outside the United States (*i.e.*, operations in Iraq and the UAE), Samaritan's Purse requests that it be allowed to exercise this exemption, as amended, outside of the United States.

Samaritan's Purse asks that publication and public comment on this request be waived and that this amendment be granted on an expedited basis. Pursuant to 14 C.F.R. Section 11.87, Samaritan's Purse submits that such a request should be granted for the following reasons: grant of this amendment will not set a binding precedent for other requests for exemption from SFAR 77; delaying action on this request would adversely affect the people of northern Iraq by interfering with SP's administration of its humanitarian relief work in northern Iraq; the requested relief is similar to relief granted several times in the past to Samaritan's Purse.

For the foregoing reasons, Samaritan's Purse respectfully requests that it be granted a limited exemption from SFAR 77 to the extent necessary to permit the above-described aircraft, pilots and crew members to operate one flight to Erbil, Iraq, as described herein, and that action be taken expeditiously so that the flight to Erbil may be operated on or about October 20-26, 2021.

Respectfully Submitted,



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Dated: September 9, 2021